

## **Meeting Minutes**

### **Board of County Commissioners Hyde County**

**October 18, 2010**

Chairman Tom Davis called the Regular Meeting of the Hyde County Board of Commissioners to order at 7:00 PM on Monday, October 18, 2010 in the Hyde County Government Center, Multi-Use Room, and the Ocracoke School Commons area using electronic conferencing equipment. The following members were present on the mainland: Commissioners Tom Davis, Sharon Spencer, and Anson Byrd; County Attorney Sid Hassell; Interim County Manager/Clerk to the Board David Smitherman; Deputy Clerk to the Board Justin Gibbs; and members of the public. The following members were present on Ocracoke: Commissioners Darlene Styron and Ken Collier; Deputy Clerk to the Board Jaime Tunnell; and members of the public.

Following the opening prayer given by Commissioner Anson Byrd and the Pledge of Allegiance, the meeting was called to order.

#### **Consideration of the Agenda**

Chairman Davis asked for any changes to the October 18, 2010 meeting agenda as presented by the Clerk.

Commissioner Byrd asked for the addition of Item V. J. – EMS Discussion.

Commissioner Spencer made a motion to approve the agenda with the addition requested by Commissioner Byrd. Commissioner Byrd seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron  
Nays – None

#### **Consideration of Minutes**

Chairman Davis asked for the approval of the minutes from the September 20, 2010 Regular Meeting.

Commissioner Byrd made a motion to approve the September 20, 2010 Regular Meeting Minutes. Commissioner Davis seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron  
Nays – None

Chairman Davis asked for the approval of the minutes from the September 22, 2010 Special Meeting.

Commissioner Spencer made a motion to approve the September 22, 2010 Special Meeting Minutes. Commissioner Styron seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron  
Nays – None

Chairman Davis asked for the approval of the minutes from the October 4, 2010 Regular Meeting.

Commissioner Byrd made a motion to approve the October 4, 2010 Regular Meeting Minutes with a correction on page 6. Commissioner Spencer seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron  
Nays – None

#### **Public Hearing – Lake Landing No Wake Zone**

Commissioner Byrd made a motion to open a public hearing regarding the establishment of a No Wake Zone to be located on the Lake Landing Canal. Commissioner Spencer seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron  
Nays – None

Chairman Davis said the no wake zone was requested by the adjoining property owners due to erosion caused by the wake from passing boats.

Billy Farrow and George Ransome, adjoining property owners, said the boats that travel down the canal at excessive speeds are damaging their properties.

Commissioner Spencer made a motion to close the public hearing regarding the establishment of a No Wake Zone to be located on the Lake Landing Canal. Commissioner Spencer seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron  
Nays – None

Commissioner Spencer made a motion to draft a resolution requesting the Wildlife Resources Commission to consider the establishment of a no wake zone along the Lake



Landing Canal. Commissioner Byrd seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron

Nays – None

#### **Special Presentation – Beaufort County Community College – Grant for EMS Equipment**

Robert Swain of Beaufort County Community College informed the Board that Tyrrell County has agreed to complete a grant application for Hyde County for the acquisition of capnography equipment and 12 Leads for each of the ambulances. Mr. Swain said that he was unsure if Hyde County would qualify, but the grant did not require County matching funds and the equipment would be delivered in January or February. Mr. Swain stated that Hyde County is currently leasing 12 Leads and the lease expires in January.

#### **Special Presentation – ABC Board – Operations Update**

Chairman of the ABC Board Jay Etheridge and Store Manager Charlotte Smith presented the Commissioners with a cash flow statement for the Hyde County ABC Store. After the presentation and discussion by the Commissioners, the Board of Commissioners requested the ABC Board to prepare an income statement, balance statement, and cash flow statement for all future operations updates.

#### **Special Presentation – NCACC Risk Management**

Mr. Ed Wooters of the NCACC presented the Chairman with a plaque recognizing Hyde County for its participation in all three NCACC risk management pools. Mr. Wooters said any county or entity that participates in all three pools is referred to as a “Super Member” and the NCACC wanted to express their appreciation for that support.

#### **Public Comments**

**Brian Carter**, Ocracoke Lead Paramedic – said he would like to thank Beaufort County Community College for their support and continuing efforts to help the County’s EMS system.

**Charles Temple**, WOVV 90.1 FM – requested the County to consider adding WOVV 90.1 FM to the Hyde County Emergency Operations Plan as a source for disseminating public information.

**Franklin Swindell**, Engelhard resident – said he did not believe the Commissioners should make decisions without reviewing information thoroughly. Mr. Swindell also stated that the County should consider preserving the EMT positions being consider

under the Reduction in Force Policy and thanked Commissioner Spencer for allowing public comments during the EMS Review Committee Meeting.

**Resolution – Designation of Applicant’s Agent for State Reimbursement**

Commissioner Spencer made a motion to approve the resolution appointing Interim County Manager David Smitherman and the Finance Officer Jessica Gibbs as the Applicant Agents for Hyde County. Commissioner Byrd seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron

Nays – None

**Resolution – Swan Quarter Dike Alternate Contracting Officer**

Commissioner Byrd made a motion to approve the resolution designating Debbie Cahoon of the Hyde County Soil and Water Department as the Swan Quarter Dike Alternate Contracting Officer. Commissioner Styron seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron

Nays – None

**Resolution – Hyde County Code of Ethics for the Board of Commissioners**

The Commissioners reviewed the proposed code of ethics and recommended the following changes:

1. Correct the typographical errors.
2. Add a statement regarding the required ethics training in cannon four.
3. Remove candidates from cannon 7B.

Commissioner Byrd made a motion to approve the proposed code of ethics with corrections recommended by the Board. Commissioner Spencer seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron

Nays – None

**Other Matters – Budget Revisions and Transfers**

Commissioner Byrd made a motion to approve the budget revision requested by the Department of Social Services for additional funds receive from the State to provide services to domestic violence victims. Commissioner Styron seconded the motion, the motion passed by the following vote:



Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron  
Nays – None

**Other Matters – Changes to the Hyde County Personnel Policy and the Hyde County Job Classification and Pay Study**

The Interim County Manager and Human Resources Officer Corrinne Gibbs presented the Board with the following changes to the Hyde County Personnel Policy and Hyde County Job Classification and Pay Study:

**Hyde County Personnel Policy**

1. On Call Time
2. Compensatory Time
3. FMLA
4. Declared Disaster
5. Holidays
6. Shared Leave

**Hyde County Job Classification and Pay Study**

1. Hyde County Sheriff's Department Hiring Rate

Commissioner Byrd made a motion to approve the proposed changes to the Hyde County Personnel Policy and the Hyde County Job Classification and Pay Study. Commissioner Collier seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Spencer, Byrd, Collier, and Styron  
Nays – Commissioner Davis

**Other Matters – BHM Regional Library – Hyde County Bookmobile Services**

Mary Jane Carbo of BHM Regional Library informed the Board that the library had contacted the Hyde County Bookmobile patrons and found a majority of the patrons were able to drive and had library cards at other libraries. Ms. Carbo said they identified four patrons that qualified for the outreach services proposed by the BHM Regional Library and two childcare facilities. Ms. Carbo stated the library would not need any additional funds from the County to provide the outreach services and could adequately staff the bookmobile with regional library personnel.

**Other Matters – Mattamuskeet Lodge Repair and Renovation – Request for Variance from the Hyde County Flood Damage Prevention Ordinance**

Mr. Mark E. Williard of Williard Firm Architects, PA reported on the progress of the Mattamuskeet Lodge Repair and Renovation, presented a Request for Variance from the Hyde County Flood Damage Prevention Ordinance, and requested the Board to hold a

public hearing at the November 1, 2010 Regular Meeting of the Hyde County Board of Commissioners regarding the Request for Variance from the Hyde County Flood Damage Prevention Ordinance.

Commissioner Spencer made a motion for a public hearing to be held at the November 1, 2010 Regular Meeting of the Hyde County Board of Commissioners regarding the Request for Variance from the Hyde County Flood Damage Prevention Ordinance. Commissioner Byrd seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron

Nays – None

**Other Matters – Award of Management Contract for FY09 CDBG Revitalization Project**

Mr. Hilbert, Holland Consulting Planners, Inc, informed the Board that Hyde County received a grant agreement and funding approval for an \$850,000.00 CDBG Community Revitalization project that will include housing, water, and sewer activities on Lake Swamp Road in Engelhard and additional “scattered site” rehabilitation at two locations yet to be determined. Mr. Hilbert said Holland Consulting Planners has agreed to complete the \$850,000.00 project for a not-to-exceed fee of \$98,000.00.

Commissioner Spencer made a motion to approve the execution of a contract for FY09 CDBG-CR management services with Holland Consulting Planners, Inc. for \$98,000.00 (All contract costs to be paid with CDBG-CR funds). Commissioner Styron seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron

Nays – None

**Other Matters – Award of Planning Contract for Preparation of FY10 CDBG Scattered Site Application**

Mr. Hilbert, Holland Consulting Planners, stated Hyde County will receive a \$400,000.00 FY10 CDBG Scattered Site Housing project award contingent upon submittal of a project application to the Division of Community Assistance on November 15, 2010. The Hyde County Board of Commissioners previously awarded a \$7,000.00 contract to Holland Consulting Planners contingent upon approval of a non-competitive negotiation by the Division of Community Assistance, but the agency recently informed the County that it could not approve the contract award because it was made prior to the “opening” of the CDBG-SS program on August 30, 2010. Mr. Hilbert said the Hyde County Planning Department conducted a third request for proposal process in late September and received only one proposal, from Holland Consulting Planners.

Commissioner Spencer made a motion to approve the execution of a contract for FY10 CDBG-SS planning services with Holland Consulting Planners, Inc. for \$7,000.00 (All



contract costs to be paid with CDBG-SS funds following receipt of a grant agreement). Commissioner Byrd seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron

Nays – None

**Other Matters – Interlocal Agreement between Dare and Hyde Counties for Sanitation Services on Ocracoke Island**

Commissioner Byrd made a motion to approve the interlocal agreement between Dare and Hyde Counties for sanitation services on Ocracoke Island. Commissioner Spencer seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron

Nays – None

**Other Matters – Update on Ponzer Ruritan Building Repairs (Commissioner Collier)**

Commissioner Collier gave an update on the repairs being completed by the Ruritan Club at the Ponzer Ruritan Building, but informed the Board that some of the materials needed to complete the repairs could not be purchased within Hyde County. Commissioner Collier requested that the Board consider allowing the Ruritan Club to purchase the commercial grade materials outside the County in order to complete the repairs.

Commissioner Collier made a motion to allow the Ruritan Club to purchase the materials needed to complete the repairs from businesses outside of Hyde County. Commissioner Spencer seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron

Nays – None

**Other Matters – Ocracoke Preservation Society Tax Exemption for the Simon O’Neal Property**

Mr. Smitherman said the Ocracoke Preservation Society asked for the Board of Commissioners to consider accepting the late application for the Simon O’Neal property tax exemption.

The County Attorney said the property was exempt according to N.C.G.S. 105-275 (29) and the Board was authorized to grant the exemption according to N.C.G.S. 105-282.1 (a1).

Commissioner Styron made a motion to grant the tax exemption for the Ocracoke Preservation Society. Commissioner Collier seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron  
Nays – None

### **Other Matters – EMS Discussion**

Commissioner Byrd made a motion to authorize the advertisement and hiring of the three paramedics needed to bring the EMS system to full staff contingent upon a schedule being implemented by January 1, 2011 to limit overtime pay and requested a monthly EMS budget report be delivered to the Hyde County Board of Commissioners. Commissioner Davis seconded the motion.

After further discussion by the Board, Commissioner Byrd rescinded his motion.

Commissioner Spencer made a motion to authorize the advertisement and hiring of the three paramedics needed to bring the EMS system to full staff contingent upon a schedule being implemented to limit overtime pay and retain the five EMTs that would be considered under the Reduction in Force Policy, furthermore the Hyde County Board of Commissioners will re-evaluate the EMS system in January 2011. Commissioner Byrd seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Spencer, Byrd, Collier, and Styron  
Nays – Commissioner Davis

### **Reports – Finance Report**

Jessica Gibbs, Finance Officer, gave a detailed presentation regarding the financial status of the Revolving Loan Fund, Hyde County Investments, Hyde County Occupancy Tax Funds, Revenues, and Expenditures through September 2010.

### **Reports – County Commissioners' Reports**

**Commissioner Collier** – stated that he wanted to address the comments by Mr. Franklin Swindell. Commissioner Collier said he had always received the information for the meetings in a timely manner, but under the circumstances created by traveling to Ocracoke he was unable to get the information before arriving on Ocracoke Island.

**Commissioner Byrd** – nothing to report.

**Commissioner Spencer** – asked the Interim County Manager to proceed with acquiring proposals for the EMS billing and collections.

**Commissioner Davis** – informed the Board of a public hearing regarding declaring Atlantic Sturgeon an endangered species and placing sanctuaries in Eastern North Carolina, namely the Pamlico River and drainage basin. Commissioner Davis also



discussed proposed regulations for agricultural dusting, because they could have a tremendous affect on Hyde County.

**Commissioner Styron** – nothing to report.

### **Reports – County Manager's Report**

Mr. Smitherman said there were two proposed amendments to the Hyde County Emergency Operations Plan, one designating agencies as a support group to the Ocracoke Control Group and the other formalizing a relationship with WOVV 90.1 FM as a source for disseminating public information.

The Interim County Manager reported that the application had been submitted to the Cleanwater Trust Fund for the Mattamuskeet Sewer Project and the County should receive the funding award notifications for the project in December.

Mr. Smitherman said the survey for prioritizing County Manager characteristics would be sent to the Commissioners on Friday, October 22, 2010.

Commissioner Byrd asked for a report on the status of the Engelhard Airport Terminal construction project. Mr. Smitherman said the work had been completed, but the contractor had not been paid.

Commissioner Collier asked if the runway lights at the Engelhard Airport had been fixed. Mr. Smitherman said the lights had been fixed.

With no further matters to be discussed, Chairman Davis asked for a motion to adjourn the October 18, 2010 Regular Meeting of the Hyde County Board of Commissioners.

Commissioner Byrd made a motion to adjourn the October 18, 2010 Regular Meeting of the Hyde County Board of Commissioners. Commissioner Spencer seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron  
Nays – None

The October 18, 2010 Regular Meeting of the Hyde County Board of Commissioners adjourned at 9:30 PM.

Respectfully submitted:

Minutes approved on the 1<sup>st</sup> day of November, 2010.

Justin L. Gibbs  
Justin L. Gibbs, Deputy Clerk – Hyde County Board of Commissioners

Tom Davis  
Tom Davis, Chairman – Hyde County Board of Commissioners